

MARC M. SELTZER (54534)
KALPANA SRINIVASAN (237460)
DAVIDA BROOK (275370)
SUSMAN GODFREY L.L.P.
1900 Avenue of the Stars, Suite 1400
Los Angeles, California 90067-6029
Telephone: (310) 789-3100
Facsimile: (310) 789-3150
mseltzer@susmangodfrey.com
ksrinivasan@susmangodfrey.com
dbrook@susmangodfrey.com

MAX L. TRIBBLE, JR. (*pro hac vice*)
JOSEPH GRINSTEIN (*pro hac vice*)
ASHLEY L. MCMILLIAN (*pro hac vice*)
SUSMAN GODFREY L.L.P.
1000 Louisiana, Suite 5100
Houston, Texas 77002-5096
Telephone: (713) 651-9366
Facsimile: (713) 654-6666
mtribble@susmangodfrey.com
jgrinstein@susmangodfrey.com
amcmillian@susmangodfrey.com

Attorneys for Plaintiff
PersonalWeb Technologies, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

PERSONALWEB TECHNOLOGIES, LLC.
AND LEVEL 3 COMMUNICATIONS LLC,

Plaintiff,

vs.

FACEBOOK

Defendants.

Case No 5:13-cv-01356 (EJD)

JOINT STATUS REPORT

On January 13, 2014, this Court stayed these actions pending final exhaustion of the relevant review proceedings, including any appeals. (*See* Dkt. 55). The relevant review proceedings have resulted in the following decisions:

Claims confirmed as patentable and not subject to further PTO proceedings or appeals

- Claims 24, 32, 81, 82, and 86 of the '310 patent. *See Personal Web Technologies, LLC v. Apple, Inc.*, No. 2018-1599 (Fed. Cir. Mar. 8, 2019) (mandate issued to the United States Patent and Trademark Office, June 12, 2019).

Claims invalidated and subject to no further appeals

- Claims 30-33, and 41 of Patent No. 5,978,791; *See* (IPR2013-00082), Dkt.83 , Final Written Decision, at 66; (IPR2013-00083), Dkt. 80, Final Written Decision, at 41-42; (IPR2013-00084) , Dkt. 64, Final Written Decision, at 57-58; (IPR2013-00085) , Dkt. 73, Final Written Decision, at 76-77; (IPR2013-00086) , Dkt. 66, Final Written Decision, at 41; and (IPR2013-00087), Dkt. 69, Final Written Decision, at 54 (affirmed without opinion on August 10, 2015).
- Claims 10, 25, 31, 32 of Patent No. 6,415,280 ('280 patent).
- Claim 70 of Patent No. 7,802,310 ("the '310 patent"). *See* (IPR2013-00596), Dkt.33, Final Written Decision, at 25 (not appealed).

* * * *

The claims at issue in this case and not subject to further PTO proceedings or appeals are as follows:

- Claims 81, 82, and 86 of the '310 patent.

The parties agree and respectfully ask that the Court lift the current stay and set a status conference at the Court's convenience, to, among other things, set a schedule for resolving the remaining disputes regarding claims 81, 82, and 86 of the '310 patent.

The parties further notify the Court that, besides this case, PersonalWeb's cases against Google, Apple, EMC Corporation and VMWare, Inc. remain pending in the Northern District of California. *See PersonalWeb Technologies LLC v. Google, Inc. et al.* Case No. 5:13-cv-01317 (NDCA, Hon. Edward J. Davila); *PersonalWeb Technologies LLC et al v. Apple Inc.*, Case No.

1 5:14-cv-01683 (NDCA, Hon. Edward J. Davila); *PersonalWeb Technologies LLC et al v. EMC*
 2 *Corporation, et al.*, Case No. 5:13-cv-0135 (NDCA, Hon. Edward J. Davila).

3 The parties further notify the Court that, since this case was filed, PersonalWeb has brought
 4 suit against additional defendants alleging infringement of five patents, including the '310 patent
 5 but not the asserted claims here. These actions have been consolidated before the Honorable Beth
 6 Labson Freeman in the Northern District of California pursuant to an Order from the Panel on
 7 Multidistrict Litigation. *See In re: Personalweb Techs., LLC, & Level 3 Commc'ns, LLC, Patent*
 8 *Litig.*, MDL No. 2834, 340 F. Supp. 3d 1373 (U.S. Jud. Pan. Mult. Lit. 2018). None of the claims
 9 in the '310 patent remaining in this case have been asserted in the MDL proceeding and the MDL
 10 proceeding involves accused products and services that differ from those at issue in this case.

11
 12 Dated: July 15, 2019

MARC M. SELTZER
 KALPANA SRINIVASAN
 DAVIDA BROOK
 MAX L. TRIBBLE, JR.
 JOSEPH GRINSTEIN
 ASHLEY L. MCMILLIAN
 SUSMAN GODFREY LLP

17 By: /s/ Max Tribble

18 Max Tribble
 Attorneys for Plaintiff PersonalWeb
 19 Technologies, LLC

20 Dated: July 15, 2019

HEIDI L. KEEFE
 MARK R. WEINSTEIN
 REUBEN H. CHEN
 LAM K. NGUYEN
 ELIZABETH STAMESHKIN
 SARAH WHITNEY
 COOLEY LLP
 24 DERON R. DACUS
 PETE KERR
 25 DACUS LAW FIRM

26 By: /s/ Reuben H. Chen

27 Reuben H. Chen
 Attorneys for Defendant
 28 Facebook, Inc.